

REMARKS

Claim 10 is presently the only claim in this case.

In the outstanding Office Action, the Examiner rejected now cancelled Claim 1 as being anticipated by the U.S. Scandella patent (4,292,741) and rejected Claim 10 as being obvious over the combination of the Scandella patent in view of the U.S. Liao published patent application (2004/0098874). This is the only rejection of Claim 10.

By this Amendment and Response the rejection of Claim 1 has been obviated by cancelling the claim.

The rejection of Claim 10 as being obvious over the combination of the Scandella patent and Liao patent publication is traversed, and reconsideration is respectfully requested, on the basis that the Liao patent publication is not a reference against this application.

The Liao patent publication has an effective date as a reference as of its filing date of November 27, 2002. In this case since this reference is apparently a Section 111(a) application that was published under Section 122(b) and does not claim the basis of any earlier US application, its effective 102(e) reference date is its U.S. filing date. However, the

Appl. No. 10/511,704
Amdt dated October 27, 2005
Reply to Office Action of Sept. 21, 2005

Attorney Docket No. 82598

present application is a PCT National Phase application based on PCT application PCT/IL03/00294 having an international filing date of April 8, 2003, which in turn claims priority of an Israeli patent application Serial No. 149274 filed April 22, 2002, as set forth in the inventor's declaration and as claimed in the PCT Transmittal Letter. This information has been accepted by the USPTO as indicated on the Official Filing Receipt mailed March 18, 2005. Therefore, since the present application has an effective date that is before the 102(e) reference date of the Liao patent publication, the latter can not be a reference.

The other cited, but not applied references, have been reviewed, and it is agreed with the Examiner that Claim 10 is patentable over any one of or any combination including any one or more of these references.


Accordingly, the Examiner is respectfully requested to reconsider and withdraw rejection of Claim 10. Favorable action with an early allowance of this claims is earnestly solicited.

The Examiner is cordially invited to telephone the undersigned attorney if there are any remaining questions or comments.

Appl. No. 10/511,704
Amdt dated October 27, 2005
Reply to Office Action of Sept. 21, 2005

Attorney Docket No. 82598

Respectfully submitted,
NATH & ASSOCIATES PLLC

By: 
Harold L. Novick

Registration No. 26,011
Customer No. 20529

Date: October 27, 2005
NATH & ASSOCIATES PLLC
1030th 15TH Street, NW - 6th Floor
Washington, D.C. 20005
HLN/xv